

PROB 12C
(06/15)United States District Court
Southern District of Texas**ENTERED**

August 06, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF TEXAS

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: John Frederick Foerster Case Number: 1:14CR00876-002

Name of Sentencing Judge: The Honorable Andrew S. Hanen
United States District Judge

Date of Original Sentence: January 27, 2016

Original Offense: Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1)
and 924(a)(2)

Original Sentence: 30 months custody of the U.S. Bureau of Prisons followed by a three (3)
year term of supervised release

Type of Supervision: Supervised Release Supervision Started: December 29, 2016

Assistant U.S. Attorney: William F. Hagen Defense Attorney: Edward Stapleton

Maximum Penalty Upon Revocation: **Two (2) years custody of the U.S. Bureau of
Prisons, pursuant to 18 U.S.C. § 3583(e)(3)**

EARLIER COURT ACTION

On February 15, 2017, a violation report was submitted to the Court which alleged violation of the mandatory condition of supervision which prohibits use of controlled substances not prescribed by a physician. On January 26, 2017, the offender submitted a urine specimen which tested positive for cocaine. On February 16, 2017, the Court concurred with the recommendation of the probation officer to take no action and allow the offender to attempt rehabilitative efforts via the outpatient drug treatment program. The Court reserved the right to address this violation at a later date.

On October 16, 2017, a violation report was submitted to the Court which alleged violation of the mandatory condition of supervision which prohibits use of controlled substances not prescribed by a physician. On January 26, 2017, and September 13, 2017, the offender submitted urine specimens which tested positive for cocaine. On October 29, 2017, the Court concurred with the recommendation of the probation officer to take no action and allow the offender to continue rehabilitative efforts via the outpatient drug treatment program. The Court reserved the right to address these violations at a later date.

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On January 24, 2018, a violation report was submitted to the Court which alleged violation of the mandatory condition of supervision which prohibits use of controlled substances not prescribed by a physician. On January 26, 2017, and September 13, 2017, December 20, 2017, and January 15, 2018, the offender submitted urine specimens which tested positive for cocaine. On January 29, 2018, the Court concurred with the recommendation of the probation officer to take no action and allow the offender to continue rehabilitative efforts via the outpatient drug treatment program. The Court reserved the right to address this violation at a later date.

On March 13, 2018, a violation report was submitted to the Court which alleged violation of the mandatory condition of supervision which prohibits use of controlled substances not prescribed by a physician. On January 26, 2017, and September 13, 2017, December 20, 2017, January 15, 2018, and February 14, 2018, the offender submitted urine specimens which tested positive for cocaine. Additionally, the offender's use of cocaine constitutes a violation of the rules and regulations of the drug treatment agency. On March 14, 2018, the Court issued a warrant for the offender's arrest. On April 18, 2018, the offender appeared in Court for revocation proceedings. The Court elected to continue the offender on supervision, with the additional special conditions which require the offender to complete the inpatient drug treatment program offered by Charlie's Place, nighttime restriction, and alcohol abstinence. On June 9, 2018, the offender completed the inpatient program.

PETITIONING THE COURT

To issue a warrant and set a Revocation Hearing to show cause why Supervised Release should not be revoked.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

1 Mandatory Condition: Possession and use of cocaine

On or about July 10, 2018, and July 18, 2018, in Cameron County, Texas, John Frederick Foerster possessed and used cocaine, a controlled substance not prescribed by a physician, as evidenced by urine specimens submitted by him to the Tropical Texas Behavioral Health Outpatient Drug Treatment Program on those dates. Such specimens tested positive for cocaine, through laboratory analysis. The possession alleged above is a violation of 21 U.S.C. § 844.

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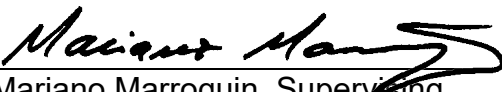
2 Special Condition: Shall participate in drug/alcohol treatment program as directed

John Frederick Foerster violated the special condition of supervision which requires that he participate as directed in a drug/alcohol treatment program and comply with the treatment agency's rules and regulations, when he used cocaine on July 10, 2018, and July 18, 2018. The offender had been advised by his probation officer and drug treatment counselor, at the commencement of the treatment, that using illicit drugs is contrary to the rules and regulations of the treatment agency.

U.S. Probation Officer Recommendation:

- ☒ The term of supervision should be
- ☒ revoked
- ☐ extended for ____ years, for a total term of ____ years

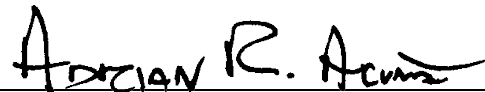
Approved:



Mariano Marroquin, Supervising
United States Probation Officer
Date: August 6, 2018

Respectfully submitted,

By:



Adrian R. Acuna
Sr. United States Probation Officer
Pacts No: 849471

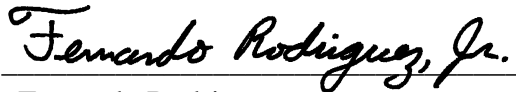
RE: JOHN FREDERICK FOERSTER

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THE COURT ORDERS:

- ☐ No Action
- ☐ The Issuance of a Summons for a hearing to be held on _____ at _____.
- ☐ The Issuance of a Warrant, and a bond of \$_____ cash/surety with supervision as directed by the Probation Officer as a condition of said bond. Furthermore, that a revocation hearing be set to show cause why Probation/Supervised Release should not be revoked.
- ☒ The Issuance of a Warrant, and no bond be set. Further, that a revocation hearing be set to show cause why Probation/Supervised Release should not be revoked.
- ☐ The Issuance of a Violator's Warrant and no bond be set and that a revocation hearing to show cause why supervision should not be revoked be held at the time of disposition of the charge in Criminal Docket _____ in U.S. District Court in the _____ District of _____, _____ Division.
- ☐ Other:



Fernando Rodriguez

United States District Judge

August 6, 2018

Date